**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

CIVIL APPLICATION NO. 114 OF 2004
IN
FAMILY COURT APPEAL NO. 15798 OF 2004

Shri. Anil Laxman Pataskar ... Applicant

Vs.

Sau. Ashwini Anil Pataskar ... Respondent

Mr. Milind Deshmukh for Applicant.

Mr. S.V. Marne for Respondent.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : AUGUST 30, 2004
P.C. :

1. There is delay of 410 days in filing the present appeal. The appeal is directed against the order of the Family Court dismissing the application filed by the Petitioner for restitution of conjugal rights. Thereafter, the respondent wife has taken out proceedings for maintenance.

2. The cause shown is that the applicant herein was not aware that he has a right of appeal. That after the judgement he had become nervous. These are the only grounds on which the delay is sought to be condoned.

3. It is the contention of the applicant herein that he is ready to resume cohabitation with the respondent. He can always raise such plea in the proceedings for maintenance which are taken out. This is not a fit case for condoning the delay.

Hence, Civil Application dismissed.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)